

Whalen, Marilyn

From: Jennifer DENICOLA <jd18@me.com>
Sent: Wednesday, September 03, 2014 6:38 PM
To: Huetteman, Tom
Cc: Scott, Jeff; Armann, Steve; Wilson, Patrick; Santos, Carmen; Wedell, Kelly; Blumenfeld, Jared
Subject: Re: MHS Rooms 301,302,303

Dear Tom,

Thank you for the reply. We see that you copied the district on these communications to Malibu Unites. We fully expect you to copy us on all communications to and from the district as you are both government agencies and you should be consistent with your actions as an agency. If there are any emails that we have not been cc'd on, please ensure that they are forwarded to our attention. We believe we have not seen the latest plan submitted to the EPA by the district on Aug 15th, 2014 that Blumenfeld's letter to Lyon refers to. If there are any communication surrounding this date as well as any communications after, please also include those.

If you have any questions, please feel free to contact me.

Respectfully,
Jennifer deNicola,
President, Malibu Unites

On Sep 3, 2014, at 5:19 PM, Huetteman, Tom <Huetteman.Tom@epa.gov> wrote:

Jennifer,

While TSCA regulates certain PCB cleanup, disposal and ongoing use activities, it does not directly regulate air and dust sampling for PCBs. Consistent with EPA's national approach to PCBs in schools, we provide guidance and technical assistance to entities that undertake these activities, such as the District.

Our assistance typically involves reviewing plans and protocols and looking at summary analyses. In this case, as part of our assistance, we have not had cause to directly review the raw data. The District has provided periodic summaries of the data collected, which they posted on their web site, in advance of their final report. We have also twice visited Malibu High School to observe the sampling and other PCB work. These site visits, along with review of the plans and reports submitted by the district, have provided us with sufficient information to assist the District as it implements air and dust sampling and associated best management practices for PCBs.

In regard to the health-based screening levels for air and dust, those are conservative numbers typically used to make a "no further action" decision – i.e., that no additional work is necessary at that location. When testing results are above these numbers, a school or other facility may elect to conduct additional testing, make its own evaluation based on site specific information, or elect to take other steps. In the case of the Malibu schools, the District has so far made a conservative choice to not open facilities until the testing results are below the screening levels.

To date, we have found that the District and its contractor have consistently implemented our guidance and procedures properly. Moreover, the level of voluntary technical assistance so far provided to the District for the PCB activities at the Malibu schools exceeds our typical level of such assistance.

Again, the specific questions you ask about specific rooms are best answered by the District. I am copying the District so that they can be apprised of your questions.

Sincerely,

Tom Huetteman, Assistant Director
RCRA Branch, Land Division, USEPA Region 9
415-972-3751

From: Jennifer DENICOLA [<mailto:jd18@me.com>]

Sent: Thursday, August 28, 2014 8:35 AM

To: Huetteman, Tom

Cc: Scott, Jeff; Armann, Steve; Wilson, Patrick; Santos, Carmen; Wedell, Kelly; Jennifer deNicola

Subject: Re: MHS Rooms 301,302,303

Tom,

It is your agencies oversight, since our school has violated federal law, so these questions can only be answers by the EPA.

This is information that you should have and be providing to the public when requested. We have asked for the raw data information since June 18 when environ started this project. You and your agency have given me assurances that as soon as the testing was done you will have this information and provide it.

So now I'm asking, you either have this information or you don't.

If you do not have this information, I would like to know that this information has not been provided to you by environ and that you do not have any of the raw data for PCBs testing at Malibu high school or Juan Cabrillo.

If you do not have any of this raw data and have not seen it, then your agency has relied on Environ's interpretation of data to make assurances to the public that the high school and elementary school or safe for occupancy.

Please confirm this, do you have this raw data or not?

In addition, it was under your agencies recommendation to test the air and dust only. Your agency set and approved the screening levels for these tests. So if these tests violated your screening levels, you must of been made aware of what must occur. Or was this procedure after exceeding the screening levels never discussed with the EPA?

We are asking the right agency the right questions about what was done to the two rooms that have exceeded your screening level. 303 and 506

Do not point us to an agency outside of the government to ask a question that the government should very easily know. If you do not have this information, then please specifically tell is that.

If your agency has the raw data, you are a public agency and this information needs to be shared with the public. Please provide is all the raw data you have receive. We all expect your cooperation in this matter.

One again: here is the letter with question for the EPA, if you do not have the answers please indicate that you do not know.

Please explain to me why testing would show higher amount of PCB's by just by moving orchestra risers in 303? PCB's are there in the building materials or they are not there, correct?

Please explain the detailed testing and dates that testing occurred in room 303 since the air levels were way above the EPA benchmark, the EPA must have been concerned.

In addition, at what point will the EPA require source testing? Isn't that why EPA set the benchmarks for air and wipe testing in the first place? Isn't air and wipe testing done as an indication of a PCB source issue in the entire room?

Respectfully,

Jennifer deNicola

Malibu Unites

www.MalibuUnites.com

On Aug 28, 2014, at 7:59 AM, "Huetteman, Tom" <Huetteman.Tom@epa.gov> wrote:

Jennifer,

Thank you for your inquiry about these rooms. I have also seen Kelly's email to you on Tuesday. I believe that her response is appropriate. The detailed questions you are asking are more appropriately directed to the District.

Sincerely,

Tom Huetteman, Assistant Director
RCRA Branch, Land Division, USEPA Region 9
415-972-3751

From: Jennifer DENICOLA [<mailto:jd18@me.com>]

Sent: Tuesday, August 26, 2014 5:47 PM

To: Wedell, Kelly

Cc: Scott, Jeff; Blumenfeld, Jared; Huetteman, Tom; Armann, Steve; Wilson, Patrick; Santos, Carmen

Subject: Re: MHS Rooms 301,302,303

Kelly,

Thank you for the reply but you failed to answer any of my questions. Redirecting me to the district fails to address the questions specifically addressed to the EPA. If you don't have the answers, would one of your region 9 associates please reply. I have included them again below please address them each specifically.

Please explain to me why testing would show higher amount of PCB's by just by moving orchestra risers in 303? PCB's are there in the building materials or they are not there, correct? Please explain the detailed testing and dates that testing occurred in room 303 since the air levels were way above the EPA benchmark, the EPA must have been concerned.

In addition, at what point will the EPA require source testing? Isn't that why EPA set the benchmarks for air and wipe testing in the first place? Isn't air and wipe testing done as an indication of a PCB source issue in the entire room?

Jennifer deNicola

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www.MalibuUnites.com

On Aug 26, 2014, at 10:21 AM, "Wedell, Kelly" <Wedell.Kelly@epa.gov> wrote:

Kelly,

I have read the exchange below. Please explain to me why testing would be delayed by moving orchestra risers?

Please explain the detailed testing and dates that occurred in to room 303.

In addition, why when a classroom tests above the EPA guidelines set in. Other air and wipe tests isn't the EPA seeing this as an indication of a PCB problem in the room and requiring source testing?